

24th November 1948] [Mrs. Mona Hensman]

On that occasion, we propose to congratulate the Government on their having passed the Hindu Bigamous Marriages Bill. At present we can only congratulate the Legislative Assembly on this measure, so we want to do it this year at the Conference and not wait till the next year. It would make a very great difference to us if we could have the non-official day on Friday, the 26th and have the Bill passed; also many women who are interested in the Bill would like to be here if Friday is a non-official day. I would be grateful if you could be kind enough to fix the non-official day on the 26th."

MR. PRESIDENT:—"You want the non-official business on Friday, the 26th."

MRS. MONA HENSMAN:—"Yes, Sir."

MR. PRESIDENT:—"Here is a request from the fair sex. I do not think you will deny it."

THE HON. DR. T. S. S. RAJAN:—"Sir, the ladies seem to be very active in this matter. This morning a big gathering of ladies was present in my house and they requested me to fix a non-official day for the Bill. I had no other choice but to accede to their request. If the hon. Member particularly wants it on the 26th, I think we can have it on the 26th."

MR. PRESIDENT:—"Yes, we shall have non-official business on the 26th. The question is—

'That rule 17 of the Madras Legislative Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 24th November 1948'."

The motion was carried.

GOVERNMENT BILL

IV.—THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1947 (L.A. BILL No. 37 OF 1947)—*cont.*

MR. PRESIDENT:—"Mr. Suryanarayana Rao may now move his amendment to clause 10."

SRI R. SURYANARAYANA RAO:—"Sir, I do not propose to move it."

MR. PRESIDENT:—"The question is that Clause 10 do stand part of the Bill."

The motion was carried.

Clause 11.

* DR. V. K. JOHN:—"Sir, we are all anxious to finish this Bill soon. So we shall co-operate in cutting short our speeches."

"Sir, this is a very important amendment which I seek to move. Clauses 11, 12, 13 and 14 deal with the grant of pattas and I am seeking to omit those clauses and substitute another clause. Clauses 11, 12, 13 and 14 provide for the grant of pattas

[Dr. V. K. John] [24th November 1948]

either to the ryot as defined in the Estates Land Act—whether he is an intermediary or actual cultivator—or to the landholder. Now, Sir, my amendment is—

“Substitute the following for clauses 11, 12, 13 and 14 :—

‘All persons whether landholder, ryot or any other person in actual possession and cultivation of any plot of land in an estate, shall, with effect from the notified date, be entitled to a ryotwari patta in respect of such plot of land.’”

MR. PRESIDENT :—“What about the man who cultivates and gives *waram*? Do you also include him?”

* DR. V. K. JOHN :—“What I am seeking to see is that pattas should be issued not to an intermediary—whether he is a landholder or a ryot—but to the actual cultivator of the soil. It may be that a large number of landholders and ryots are actual cultivators. My amendment will not affect them in the least. My amendment will only touch those persons who are intermediaries and not actual cultivators of the soil. Sub-tenants will have the right to get pattas.

“Now, Sir, this is a very important amendment from one point of view. It implements the Election Manifesto and the Resolution of the Congress Working Committee. In introducing this Bill originally, the Hon. Revenue Minister, in his Statement of Objects and Reasons, said: ‘In the election manifesto which the Working Committee of the Congress issued in December 1945, it was urged that the reform of the land system was urgently needed in India. The Working Committee pointed out that such reform involved the removal of *all* intermediaries—I am emphasizing the word “all”—between the peasant and the State and that the rights of such intermediaries should be acquired on payment of equitable compensation.’ I am not against paying equitable compensation to the intermediaries. But what I am only pointing out is whether it is not necessary to implement the Congress Working Committee’s decision to remove all intermediaries between the peasant and the State. And this can be achieved by substituting my amendment in the place of clauses 11, 12, 13 and 14.

“Now, Sir, I am moving this amendment not only because the Congress Working Committee decided that all intermediaries between the peasant and the State should be removed but also it is an accepted principle that the object of any agrarian reform is to get the largest output from the land and that can be got only when we encourage the actual cultivator and not the intermediary. It is in acceptance of that principle that the Congress High Command decided that all intermediaries should go.

“When I raised this question earlier in the discussion, the Hon. Revenue Minister said that he intends to bring in another Bill to remove all intermediaries. But we know, Sir, how long

24th November 1948] [Dr. V. K. John]

that Bill will take. I have asked the Premier and other friends in the Government to introduce a Black-market Bill, a Bill to prevent black-marketing. It appears that it is being dropped although it is so urgently needed. Therefore, instead of introducing a separate Bill later, why not you include this clause in the present Bill which will implement the resolution of the Congress Working Committee. If this amendment is accepted, we do not want another piece of legislation to remove intermediaries between the peasant and the State.

"I want to say one word more before I conclude. Democratic form of Government has got many advantages; but it has two disadvantages. One is that a democratic form of Government always tries to please and assist those that put them into power. It would appear that the influential section of the public which put the present Government into power are the rich intermediaries of the Province. Now, Sir, in the present Bill, Government are trying to assist them. I ask the question when you acquire rights of the zamindar and inamdar, why should you not acquire the rights of the other intermediaries?"

MR. PRESIDENT:—"I was under the impression that the result in the Congress elections of 1937 and 1946 was otherwise; that the rich people found their level."

* DR. V. K. JOHN:—"That is true. Any way, the Congress High Command decided as early as 1945 to remove all intermediaries."

MR. PRESIDENT:—"That is a different matter."

* DR. V. K. JOHN:—"I am only on that. I am not concerned with the influence of the Birlas and Tatas. I feel the Congress High Command is anxious for the promotion of the welfare of the common man. What I am suggesting is, that the Government which is in power should not try to help those who put them into power. So, let us now carry out the principle which ought to underlie all agrarian reforms and see that there are no intermediaries at all. Another weakness of democratic Government is the Whip or the control exercised on members of the Legislature not to vote as they, in their conscience feel, but to vote according to the Whip of the party. These are the two disadvantages in a democratic Government. If only this Bill was left to be voted according to every man's desire, without the Whip compelling the members to vote in a particular way, this Bill would have been thrown out. Because when I listened to the speeches from the other side when the Bill was moved for consideration I found several members on the other side were against the passing of this Bill. Now, my final appeal to the Hon. Revenue Minister is"

MR. PRESIDENT:—"I am sure it is not the final appeal."
(Laughter.)

[24th November 1948]

* DR. V. K. JOHN :—“ Well, Sir, you are always a prophet and I am not. (Laughter.) I make this appeal, and I make it in all humility, let us have a free vote on this clause and this amendment. Let the public know that the amendment which I am now moving is supported by all the hon. Members of the Congress Party of this House not on account of the Whip but on account of their feeling that they would like to help not the intermediary but the actual cultivator, so that when they next go to the electorate, the cultivating tenant may know who is his friend and who is not.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I second it.”

* SRI R. SURYANARAYANA RAO :—“ Sir, I rise to support the amendment, and I do so without any hesitation. Sir, what is the purpose of this amendment? The purpose is a person who is in actual possession and cultivating the land should be given the undisputed right to cultivate and enjoy the fruits of his labour by obtaining ryotwari patta in respect of such plot of land. We do not differentiate whether a man who is in actual possession and cultivating the land is known as a landholder or a ryot or any other person. We would like to deal with him only as the actual cultivator, i.e., one who is actually cultivating the land and he should be given the ryotwari patta so that he may pursue his occupation and produce more and assist the Grow More Food Campaign. The clause which the Hon. Minister for Revenue proposes to introduce recognizes different classes of persons entitled to ryotwari patta. By this amendment it is proposed to recognize only one class of person who is entitled to receive ryotwari patta, namely, the actual cultivator. Sir, I am not surprised that the Hon. Minister for Revenue believes that there should be different kinds of persons entitled to ryotwari patta. Sir, in his broadcast speech the other day, he said, the question of giving a greater share of the profits to the cultivating tenant has to be considered and the relationship of the cultivating tenant and the non-cultivating pattadar should statutorily be defined. And later on in the same broadcast speech he said that he was anxious that a greater share of the profit should be made available to the cultivating tenant. We want to go much further. All those who are in actual possession and are cultivating land should be given ryotwari patta. Sir, our ideologies differ here.”

MR. PRESIDENT :—“ I heard your anxiety was to give patta to the actual cultivating tenant. But you should also know the frame of the Bill is such that compensation should be provided for the man who is supposed to own land. Do you want compensation to be paid to such man?”

* SRI R. SURYANARAYANA RAO :—“ We have provided for compensation in our amendment Nos. 65 and 66. This is only a preliminary amendment and the others that will follow are

24th November 1948] [Sri R. Suryanarayana Rao]

consequential amendments. Therefore I feel that in order to carry out the pledge made in the Congress election manifesto, to which reference has been made times without number, this amendment should be adopted, though the Hon. Revenue Minister gave a different interpretation to the term 'intermediaries.' But as English language stands to-day, and as we read and understand it, the term 'intermediaries' means all those who are between the landholder and the actual cultivator. Sir, as this is a theme on which we have spoken so much already I do not wish to take up the time of the House on it. But, I feel this is a fundamental question, and if this amendment is not accepted, then, certainly the scheme as laid down by the Hon. Revenue Minister is, from his point of view, the best scheme. With these words I support the amendment."

MR. PRESIDENT :—"Why not wait till he brings the other legislation?"

* SRI R. SURYANARAYANA RAO :—"I have been pressing, why create a system which you yourself are going to abolish. You have recognized the evils of that system, and you want to introduce a reform in the ryotwari areas also; so why create a system which you yourself say is bad and should not exist."

THE HON. SRI KALA VENKATA RAO :—"Sir, I am very glad that the number of those gentlemen who are pleading for the cultivating tenant is increasing day by day, and it is the fortune of those gentlemen that a powerful advocate like Dr. John is espousing their cause. Well, Sir, the day will come when the United Democratic Party will have to stick to what they are saying to-day. After all we cannot be expected to bring so much of legislative reform with reference to the cultivating tenant. The Government as it is constituted at present are not prepared to abolish the pattadar. That is not at all the intention of the Government, nor is it the intention of the Congress manifesto as far as I know. But it does not mean that we leave things in the main to private contracts and the development of agricultural tenancy should rest of the gentlemen who have taken leases of plots of land. That question, as I have mentioned in my broadcast speech, will have to be examined; and hon. Members are aware that one of our Collectors, Mr. Raghavendra Rao, went into this question and his report is now before Government and it is being examined."

"But I must say to hon. Mr. Suryanarayana Rao and those of his way of thinking, even if we are prepared to take away land from the pattadar and hand it over to the gentlemen whom we call to-day the cultivating tenants, then, in ten years or in fifteen years you will find another set of gentlemen taking leases from the pattadars. For it is in human nature to lease land for cultivation to another. You cannot say to me, if I am a farm-servant to-day, that I cannot aspire to be a Member of Legislature or a Member of the Treasury Bench. When I become a member here, naturally I give my land to another to cultivate for me. Our

[Sri Kala Venkata Rao] [24th November 1948]

country cannot afford to experiment on collectivist farming. It is a matter for decision for the next reform; and the other day, Dr. Lakshmanaswami Mudaliyar drew attention to it. The days of individual independent peasant proprietor are gone. We have to think how to develop our agriculture by means of tractors. In the light of this, the next question has to be considered calmly and a decision arrived at. I feel this suggestion of doing away with the pattadar are giving the patta to the actual cultivating peasant is a little ahead of the times.

"Then, Sir, the complaint that this a rich man's Government and it is out to help those who put them in power is rather unjust criticism. None of us, I can say, on the Treasury Bench, own property, the possession of which can be termed to be rich property; nor do I think hon. Members of this House own so much property as to be called rich men. After all our electors to the other House have been people who know only to read and write and who pay a tax of one anna—and so it is very nearly adult suffrage we have already—and the qualification for a voter for this House is payment of a tax of Rs. 300. For that, it is enough if a man owns fifteen to twenty acres of delta land, and you cannot call a man who owns fifteen to twenty acres of land a rich man. Therefore we are here to do something in return to those who sent us here; we need not pamper to them; we are doing this reform because we feel this thing should be done in the general interest of the country.

"Then, there is a third thing. I would like to tell Dr. John that every Bill has got a preamble. What is the scope of this Bill? The scope of this Bill is to provide for the repeal of the Permanent Settlement, the acquisition of the rights of landholders in permanently settled and certain other estates, and the introduction of the ryotwari settlement in such estates."

DR. V. K. JOHN:—"I have given an amendment to change the preamble."

MR. PRESIDENT:—"The hon. Member, I think, should have given another Bill."

THE HON. SRI KALA VENKATA RAO:—"The amendment of Dr. John changes the whole scope of the Bill. He has in mind a particular scheme of things. To fit his idea into this Bill, he has given the amendment. But I do not think it fits in. If the amendment is accepted, the whole Bill has to be changed. In the first place, who this person is has got to be defined. In the second place, the person who is going to be replaced by him has to be given compensation. When you criticise me for giving 12 crores, you want me to give one hundred crores of rupees which this Government cannot possibly afford to pay. Under the circumstances, the Government can only do their utmost to help the cultivating tenant, the agricultural labourer and everybody connected with the land. The subject-matter of the amendment is altogether different and it has to be examined separately. So I request the hon. Mover to withdraw the amendment."

24th November 1948]

MR. PRESIDENT:—"I think Mr. John is well-advised in not pressing his amendment. Firstly, it will enable us to go through this Bill expeditiously. Secondly, the amendment does not at all fit in with the scope of this Bill. I do not want to go to the extent of ruling it out of order."

DR. V. K. JOHN:—"I am only going by the objects and reasons given by the Hon. Minister."

MR. PRESIDENT:—"The object is only to replace the zamindari system by the ryotwari system."

DR. V. K. JOHN:—"With due respect to the Chair, I submit that I do not want to withdraw. This and the other amendments are moved after long discussion in our party. We wanted that the sub-tenant, whoever it was, should be benefited. That is why we took up his cause."

The amendment was put and lost.

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I move—

(1) In sub-clause (a)—

(i) omit the word "ryoti" in line 1;

(ii) omit the words "properly" occurring in line 2; and

(iii) omit the words "not either lanka lands or."

(2) Omit sub-clause (b) and the proviso.

In the alternative

(i) In the proviso to this clause, substitute the words "Board of Revenue" for the word "Government".

(ii) Add the following as another proviso, viz.:—

"Provided further where the landholder has cultivated by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry, he has cultivated such lands himself from the 1st day of July 1939."

"The Hon. Revenue Minister said just before that the objects of the Bill were the acquisition of the rights of landholders in permanently settled and certain other estates and the introduction of the ryotwari settlements in such estates. These are the two *rangus* of the Bill as I called them.

"Coming to this clause, there is a fundamental change in that it disturbs the holdings of the ryot. He is dispossessed of the lands which he is already holding under the landholder. He gets only the rights conferred under this Act and no other rights even if he has already enjoyed them. I ask the hon. Members to consider deeply the effect of clause 11. It says: Every ryot in an estate shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of all ryoti lands which immediately before the notified date were properly included or

[Sri B. Narayanaswami Nayudu] [24th November 1948]

ought to have been properly included. The Settlement Officer shall decide these questions, namely, whether the lands are ryoti and whether they have been properly included.

“ Item (b) of the clause says: Every ryot in an estate shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of all lanka lands in his occupation immediately before the notified date, such lands having been in his occupation or in that of his predecessors-in-title continuously from the 1st day of July 1939. Under the Estates Land Act, lanka lands and ryoti lands stand on the same footing. There is no difference at all. If a zamindar has inducted a ryot into a lanka land, the ryot gets occupancy right in the same way as he gets it in the ryoti land. I don't think this statement can be challenged. There is the explanation that no lessee of any lanka land or an ijardar shall be entitled to a ryotwari patta in respect of such land. There are two important qualifications with regard to grant of pattas. It has been said that the ryot will get patta for all the lands hitherto in his possession. I say he cannot get. He will not get patta for lanka lands unless he has been in continuous occupation of them from the 1st day of July 1939. For instance, take tank-beds which have been assigned before 1931. Until 1931, it was absolutely within the discretion of the landholder to grant patta for tank-bed lands and such an act cannot be questioned under the Estates Land Act. I want to know from the Hon. Revenue Minister whether the Settlement Officer can refuse to give patta to a ryot if he happens to be in the occupation of abandoned tank-beds even from prior to 1931. I know of numerous villages in which tank-bed lands have been assigned and taken up for cultivation. With regard to lanka lands, I want to know whether the condition that a ryot should have been in continuous occupation of them from 1939 is not an encroachment upon his occupancy right statutorily recognized under section 6 of the Estates Land Act. In the discussion on clause 3 (b), the analogy of the cow and the calf was referred to. Even Nakshathreya's jurisprudence never claimed that a calf which had been dispossessed should revert to the purchaser on the sale of the cow. Lanka lands which have been assigned by the zamindars and which have been in the possession of the ryots from 1940, 1941 or 1942 cannot be taken back even under Nakshathreya's jurisprudence. Harischandra never allowed the 'calf' to be taken away because Chandramathi had been sold.

“ My friend the Hon. Revenue Minister wants to take away from the ryots all lanka lands unless they have been in continuous occupation of them from 1939. Lanka lands are a peculiar thing. Hon. Members from West Godavari, East Godavari, Vizagapatam and Krishna know what these lands are. Forbes said that section 6 of the Estates Land Act of 1908 did not create any rights but only declared the rights which had been enjoyed by the ryots from time immemorial with respect to lanka as well as non-lanka lands. What does the Hon. Revenue Minister's jurisprudence say?

24th November 1948] [Sri B. Narayanaswami Nayudu]

It says : Take away. There will be an enquiry into the history of ryoti lands. But with regard to lanka lands, there is absolutely no enquiry. I ask : Is this the *rangu* or the *pingu* of this Bill? (The Hon. Sri Kala Venkata Rao : 'I know only *rangu* but not *pingu*.') *Rangu* we all know and the camouflage of it is what may be called *pingu*. There is ryotwari patta for lands minus lanka and tank-bed lands in occupation subsequent to 1st July 1939. Is this the intention of the Government who are keen on effecting a ryotwari settlement? As the hon. Mr. Natarajan said, the scheme of the Act required that there should be some owner. The Act goes the wrong way. In effecting ryotwari settlement in estates, you are taking away from ryots the lands which have been in their occupation. From where is the day, the 1st day of July 1939, taken? Is it from the Zamindari Enquiry Committee's Report? I challenge the Hon. Revenue Minister to point out a single sentence in the 18 volumes wherein it is said that the ryots should not have occupancy rights in lanka lands. The Government can realize the whole compensation from these 30,000 or 40,000 acres of lanka lands. My friend was threatening. But zamindars are not foolish persons. They know the case and the history of the lanka lands.

"I ask the hon. Members hailing from districts where there are lankas : Can you with any face go and tell the ryots to-morrow that we have passed a law taking away the lanka lands in their possession? (The Hon. Sri Kala Venkata Rao : 'The members have all gone out.') The hon. Member from West Godavari is sitting there staring at me.

"There is the rigour of the party discipline. Even if the Government pass this Bill, let them pass it. But I do hope that they will revise their policy and come again with a Bill for doing justice to the ryots.

"Sir, let me now come to my alternative amendment to sub-clause (b) of clause 11, and take up first my amendment No. (ii) to add the following proviso, namely :—

Provided further where the landholder has cultivated by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry, he has cultivated such lands himself from the 1st day of July 1939.'

"I submit, Sir, that in this sub-clause there is what may be called a piece of jugglery. Under this clause if a person is in possession of the lanka lands from 1st July 1939, he gets a ryotwari patta. But if for any reason he has been in possession from 1939, but alienated or assigned it to somebody in 1945, then what is the position? The zamindar cannot get the land, because though he has been cultivating it from 1939, he is not cultivating it when the Settlement Officer takes up the question. It will not also go to the ryot, because he is only lessee. Therefore to whom will it go? Will it go to the Hon. Minister for Revenue? (Laughter.) There is no doubt that the aim of the Bill is to take

[Sri B. Narayanaswami Nayudu] [24th November 1948]

the calf from the cow. (Laughter.) There is no use of laughing over it, because it is a direct consequence of this provision. You know and I know that it is what is going to take place exactly. If it was alienated by the zamindar in 1945, you want to say to the zamindar, 'You are not in possession when the Settlement Officer has taken up the question and therefore you are not entitled to a patta, because you have not come earlier.' Sir, what I want to do is to add this proviso under the proviso already there, namely :—

Provided further where the landholder has cultivated by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry, he has cultivated such lands himself from the 1st day of July 1939.'

"The existing proviso states—

'Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of July 1945, shall except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.'

"As I said, if the landholder is not in possession of it on the 1st day of July 1945, why should it revert to Government? I would therefore once again appeal to the Hon. Minister for Revenue and the members of this House to calmly reflect over the position and see that my amendment is accepted.

"Then, Sir, with regard to the first alternative amendment, what I wish to say is this: I want, in the existing proviso, to substitute the words 'Board of Revenue' for the word 'Government'. Sir, in these matters we cannot trust the Government and that is why I want that the Board of Revenue should examine the circumstances instead of the Government. You know, Sir, that pressure is the key-word of the Government. We may not know where the pressure might come from and we do not know what pressure might be brought to bear upon the Government. But all the same, the pressure is there and the Government are susceptible to pressure and influence, because they are a party Government. Therefore I say that in such a matter, it is far better to leave the job to the Board of Revenue, where there may not be any pressure. That is why I want that the words 'Board of Revenue' to be substituted for the word 'Government' in the proviso.

"Now, Sir, I might say that the real bother in this matter comes when we take up the question of delta districts where there are lanka lands. These lankas are very valuable lands and it is for those that there is a lot of scramble. In the matter of distribution of lands to political sufferers, I can mention one instance where a political sufferer was given 10 acres of land in a village. He went to that village and sowed the seeds on that land but a few days later, all the seedlings were plucked off. Political sufferers are now going to the villages and entrenching on these valuable lands, but all the same the people in the villages will not

24th November 1948] [Sri B. Narayanaswami Nayudu]

allow them to cultivate those lands, because these are very valuable lands, and these people have been there for so long cultivating them on lease, that they will allow nobody from outside to get possession of those lands."

MR. PRESIDENT :—" They still continue to be sufferers."

SRI B. NARAYANASWAMI NAYUDU :—" They are, I might say, interlopers, Sir. They are not worthy of being called political sufferers. They will never go to the villages and cultivate lands. I ask you seriously, how could these political sufferers become agriculturists? Everyday they want to go in motor-cars to cities; they want coffee and do all sorts of propaganda wherever they go. They can only talk on platforms, but they cannot make good and real agriculturists, Sir."

THE HON. SRI KALA VENKATA RAO :—" Sir, I am afraid this thing has gone away from the subject under discussion. But since the hon. Member has given expression to it, I might say that he is entirely wrong about his idea of the gentlemen who are going to be put in possession of lands and whom we call political sufferers. You cannot ridicule persons and say that they want coffee and motor-cars wherever they go. They are people who have suffered for the country and they are far better than people who simply sit and make speeches without doing anything for the country."

SRI B. NARAYANASWAMI NAYUDU :—" What I say is that they are unfit for agriculture, because they have never done agricultural work."

THE HON. SRI KALA VENKATA RAO :—" At any rate they are better fitted to be agriculturists than the hon. Gentleman, because he has left his native village long ago in Chittoor and has gone to practice law in Masulipatam. But the political sufferers whom we are thinking, and to whom we are going to give lands are still in their villages cultivating lands and they can do much better agriculture than the hon. Member who charges them with all sorts of invectives."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, in spite of the acrimony which the Hon. Minister wants to import into this debate, the fact remains that they cannot go and sit on the threshing-floors in these villages and keep quiet, attending to agriculture. You want us to believe that these people who go to the towns and cities in cars and lecturing to people are political sufferers, would prove good agriculturists also. Let the Hon. Minister for Revenue remain in that belief. But let us not discuss further about it now. We are not concerned with that matter. What I want to say is, 'What right have you got to take away these lands from the ryots?' It is not a question of competition between the ryot who has been inducted by the zamindar and the ryot whom the Government want to induct—never mind whether he is a political sufferer or not. That question will come up later. Is it good or is it fair for the Government to do so? I want to know what is the principle they are adopting in this matter."

[24th November 1948]

MR. PRESIDENT :—“ That principle does not really necessitate throwing any invectives upon any other persons.”

SRI B. NARAYANASWAMI NAYUDU :—“ Sir, I say that there is conflict between the two sets of ryots, the ryots whom the zamindar has inducted and the ryots whom the Government are going to induct. But I shall not touch upon that subject, Sir. My point is, that in respect of these lanka lands, which are very valuable lands, the rights of the present ryots should not be taken away, nor should we induct new ryots into it. That is my submission, Sir.”

* DR. V. K. JOHN :—“ Mr. President, Sir, in seconding this amendment, I want to make one observation. Throughout this Bill, you find either the expropriation of the zamindar or the expropriation of the inamdar. It was said that this expropriation is for a *bona fide* purpose. Sir, clause 11 provides that nobody will get a patta for a lanka land, although that person was in occupation of it from 2nd July 1939. Sir, what a fateful date it is! 2nd July 1939 is a far distant date from to-day. It is now nine years since that date. If persons who have been in possession of and have been cultivating these lanka lands for nine years continuously, what right have the Government to deprive those people of their lands and deny their right to get a patta for those lands. The Government say, ‘ We will not give them pattas. We will not give pattas to anybody else. We will take these lands ourselves.’ Sir, the question of political sufferers has been brought in and I shall refer to them. But I appreciate very much and take this opportunity of expressing my appreciation of the great sincerity and sympathy with which my hon. Friend Mr. Madhava Menon has espoused their cause and said that the Government are out to help those people who have suffered for the country. I feel with him and I submit that wherever nobody else is available, these lands might be assigned to those political sufferers. But why take away the lands from these families which are entirely depending on the produce from these lands for the last nine years. What justice is going to be done to them? ”

THE HON. SRI KALA VENKATA RAO :—“ If they are in possession of these lanka lands continuously from 1st July 1939 they will be assigned these lands, Sir.”

MR. PRESIDENT :—“ The occupation should be continuously from the first day of July 1939. If he was there from the 2nd, he is not entitled to get a patta. Is that what the hon. Member means? ”

DR. V. K. JOHN :—“ Yes, Sir. That is why I said that 1st July 1939 is a fateful date. If he was continuously in possession from 2nd July 1939, he does not get a patta. Is that justified, Sir, I ask.”

MR. PRESIDENT :—“ Does the hon. Member want to draw a distinction between 1st and 2nd July 1939? ”

24th November 1948]

THE HON. SRI KALA VENKATA RAO :—“ Sir, let me in this connexion give an analogy. If your income is Rs. 999, you are not liable to income-tax. But if your income is Rs. 1,000 you must pay income-tax for the whole amount. A line must be drawn somewhere and we cannot help it, Sir.”

* DR. V. K. JOHN :—“ I ask the question : ‘ Is this piece of legislation in favour of the ryot ? ’ Certainly it does not benefit either the zamindar or the inamdar. Is it to benefit the ryot ? I say, wherever it is possible the Government can benefit by this. Wherever there is an advantage the first question is : ‘ Can the Government take that advantage ? ’ ; whatever may be the object, the Government get the first priority. Charity begins at home. Then, if the Government cannot take the advantage, it is given to the ryot. I say that the amendment which my Learned Friend has brought is to clear that injustice and see that the ryot at least is benefited. Look at the explanation. It says :

‘ No lessee of any lanka land and no person to whom a right to collect the rent of any land has been leased before the notified date, including an ijaradar or a farmer of rent, shall be entitled to a ryotwari patta in respect of such land under this section. ’

If a man is a lessee he does not get the advantage. I say this does not benefit the ryot in many respects or the lessee in actual cultivation. It benefits the Government primarily whatever be the object. Then to some extent it benefits the ryot. The first priority is given to the Government. We object to that.”

THE HON. SRI KALA VENKATA RAO :—“ I am sorry, Sir, that the whole position has been misunderstood with reference to this clause. The hon. Gentleman, Mr. Narayanaswami Naidu, feels that the cumulative result of the wording of the whole clause will be to the effect that one who did get a ryotwari patta and who is enjoying that land, is being deprived of it unnecessarily, in order to benefit the Government. Sir, the dates are fixed for particular reasons. As a matter of fact, if you go through the memoranda submitted by the ryots’ organizations throughout the Presidency, their claim has been that from the time the first Estates Land Bill was introduced or rather prepared by Mr. Cole in 1898, the zamindars have been manipulating and seeing that most of the lands in the estates were registered in their own names or in the names of their henchmen so that they might have the ultimate benefit. Therefore there was really a good demand that the definition of ‘ private land ’ in the Estates Land Act should not be touched. But owing to a number of circumstances we had to give way. The fixation of the date ‘ 1st July 1945 ’ about which there has been so much criticism was due to this. Soon after the Congress Election Manifesto was published the intelligent among those zamindars, perhaps on expert advice or gentlemen who are their advisers, began to assign lands. They did not induct the real ryot. But whom did they induct ? They did not induct the ordinary

[Sri Kala Venkata Rao] [24th November 1948]

ryot to whom they have been giving the land all these years. If land was available do you think he would have kept it without being assigned till the end of the date, say 1st July 1939 or 1st July 1945? You know, Sir, there was great pressure on land and if there were really lands which could have been cultivated they would have been brought under cultivation years and years before. Why was it kept back? It was done so because the zamindar was getting some benefit out of it. When the agitation ultimately started and the manifesto of the Congress was published they began to act. They are intelligent. If an intelligent man prepares a currency note, Sir, there is another intelligent man to prepare the counterfeit of it. In the same manner . . . (Interruption.) The law can be circumvented in a number of ways. No law can be perfect, Sir, however much you may try. What did they do? They expected that there would be—to use the word of the Leader of the Opposition—complete expropriation by the Government. They wanted to ‘make hay while sun shines.’ Or else, why should there be an assignment in favour of the first son of 1,300 acres in the month of June 1947, another 1,100 acres in the name of the second son and another 1,000 acres in the name of a near relative. All these 3,400 acres, were they not under cultivation? How does the assignment in favour of the sons benefit the peasants. By a private arrangement 99 acres out of every 100 acres of these assignments will revert to the zamindar soon after the Abolition Bill becomes law. That is why, Sir, this clause is there. I would have removed this clause if there was any hope for the ryot to get anything out of the zamindar. If the poor man gets 4 or 5 acres why should I stand in his way. I would be the last man to do that. Because there was subterfuge resorted to and thousands of acres were being assigned in the name of people who were only assignees for name’s sake this clause has been introduced. As soon as the Bill becomes law the whole of the lands will revert to the zamindars. That is the reason why, Sir, we had to take this date back as far as possible to see that none of these actions are validated. What does the section say: ‘Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of July 1945, shall, except where the Government after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.’ Why should we put this in? It is only to protect the small man. It is only to give the gobye to all those actions that have been committed by the zamindars in order to benefit their own pockets or those of their near relatives. This is quite patent on the face of it. Therefore, Sir, I am afraid I cannot accept the amendment.

“The question of the lanka lands is a peculiar one, Sir, as Mr. Naidu said. He was born in a place, Sir, where there are no lankas. I was born in a lanka itself (interruption) a high level lanka, Sir, which is 687 square miles in extent, consisting of Amalapuram and Razole taluks which form my constituency. And we have to cross one branch of the river 2 miles wide from

24th November 1948] [Sri Kala Venkata Rao]

whichever side to reach my place. I was born in a lanka, Sir, and I know what a lanka is, how a lanka is cultivated and how profitable it is. What I said the other day in regard to the Government lankas will hold good here also. I can give that assurance straightaway. Sir, a low level lanka is very profitable if you grow tobacco. In 2 or 3 years it may disappear. At the end of two or three years you might get a lot of income. These are never assigned to anybody. They are given on lease and sold in public auction. If you assign it Rs. 11 is the utmost you get for an acre. But when you auction it will get Rs. 300 per acre and the gentleman who takes it on lease will get Rs. 1,000 per acre if the prices are favourable. In the nature of things these are lands which shift and only for a short period you get an income from them. There can be no question of X being inducted by Y being sent away. To-day you may be getting a regular income from them but to-morrow the whole thing may get eroded and you may lose the whole thing. That is the reason, Sir, why I have been saying that these A class lankas should be leased for 20 years and they cannot be assigned. We are prepared to assign them if they are not eroded and if they had been there for a reasonable period.

"As I have already stated, Sir, we have not provided here as in the 1908 Act that the private land should have been cultivated for 12 years, because we wanted to take inspiration from the date of the Prakasam Committee's Report. That is one stage and the other stage was the date of the Congress Election Manifesto. Both these dates have been entered in the Bill. Sir, the Government have taken power under this clause to go into the question and examine it. It has been purposely put there in order to see that bona fide assignments of lands, let them be anywhere, will go to the poorer person and not be taken away. A blank clause without that qualification would not have helped the small people who would have really got into possession of the land. If under some circumstances he was given 4 acres of land for cultivation, why should I take them away? The policy of the Government is to assign lands in an order like, Harijans, Backward Classes, the landless poor, etc. Therefore if lands are available they will certainly go to the poor and the poorest. If in any such case the lands revert to Government we will see that they do not revert to the Government and that it benefits the person who is there if he is poor. Therefore, Sir, in the circumstances I have mentioned I won't allow the calf being abducted away by people who believe in getting all the milk for themselves."

MR. PAESIDENT :—"The question is that in sub-clause (a) of clause 11: (1) (i) the words 'ryoti' in line 1 be omitted: (ii) the words 'properly' occurring in line 2 be omitted and (iii) the words 'not either lanka lands or' be omitted; (2) sub-clause (b) and the proviso be omitted."

The amendment was *lost*.

MR. PRESIDENT :—"The question is that clause 11 do stand and form part of the Bill."

The motion was *carried*.

[24th November 1948]

Clause 12.

MR. PRESIDENT :—“ The question is that clause 12 do stand and form part of the Bill.”

The motion was *carried*.

Clause 13.

SRI R. SURYANARAYANA RAO :—“ I only want to know, Sir, why the word ‘ rearing ’ is used in the Explanation in regard to topes of spontaneous growth. Does a zamindar or a ryot rear topes which are of spontaneous growth? They grow of their own accord.”

THE HON. SRI KALA VENKATA RAO :—“ Some trees grow by themselves and some trees like the mango require rearing. We will have to treat each on a different line. If the trees are growing by themselves we need not give them to anybody. If they are reared they would be given.”

MR. PRESIDENT :—“ The meaning seems to be this. Growth is spontaneous, but it is subsequently reared.

“ The question is that clause 13 do stand and form part of the Bill.”

The motion was *carried*.

Clause 14.

MR. PRESIDENT :—“ The question is that clause 14 do stand and form part of the Bill.”

The motion was *carried*.

Clause 15.

MR. PRESIDENT :—“ The question is that clause 15 do stand and form part of the Bill.”

The motion was *carried*.

Clause 16.

SRI B. NARAYANASWAMI NAYUDU :—“ Sir, I move—
‘ Add the following to sub-clause (1) :—

“ *Provided that where such assessment is higher than the assessment he was liable to pay to the landholder, the ryot shall pay only the lower assessment.*”

This is the last of my attempts, Sir, to open the eyes of the House. Whereas under the Rent Reduction Act there has been a clause introduced definitely saying if the assessment is lower it shall not be raised, here it has been given the gobye. There is nothing which the Government cannot do under this Bill. Under this Bill they can increase the rent. I am asking the hon. Members on the other side of the House when they have voted for the Reduction of Rent Bill saying that there should be no increase of rents, whether they want to vote with the Government now when they

24th November 1948] [Sri B. Narayanaswami Nayudu]

are taking power to enhance the rent. Of course Mr. Govindacharyulu will move an amendment and walk out but the other Members of the House sitting on the other side will vote with the Government. It is what is called their administration of truth, simplicity and honesty and other higher things.

"I ask this Government, when you have passed the Rent Reduction Act, did you not simultaneously give an undertaking to the ryots that the rents shall not be enhanced? I am going to call for a division to-day on this point. Now, what does this clause say? It says: '*Every person, whether a landholder or a ryot, who becomes entitled to ryotwari patta under this Act in respect of any land shall, with effect on and from the notified date, be liable to pay to the Government such assessment, as may be lawfully imposed on the land.*' It means that if such an assessment is higher than the assessment he is liable to pay to the landholder, then he will have to pay the higher assessment. Sir, I do press for a division on my amendment. While you have the Rent Reduction Act to reduce the rents, you now want the ryot by means of this clause, to pay a higher rent."

SRI A. GOPALAKRISHNAYYA:—"I second the amendment, Sir."

THE HON. SRI KALA VENKATA RAO:—"Sir, the point is simple. Under the Rent Reduction Act, the reduction was on the average basis because we wanted to give some relief to the tenants immediately and therefore, we provided that the rents will be reduced on an average basis. It is only to give immediate relief nine-tenths the rate of three-fifths of the rate, etc., is being reduced. We thought we need not go into the whole question. Especially if any wanted to raise the rent, it should be done on a scientific manner. Here it is a question of the settlement of rent. The other day, I explained the mechanics of settlement. You have to take into consideration the question of equity and also the position of the land. Suppose for a particular piece of land there was a lower rent fixed on the basis of there being water-supply only for three months. But if the supply is now increased to six months and the tank gives much more water, the tax may go up. In the settlement operations, the quality, composition of land and the number of the tharam will all be gone into and the rent will certainly increase with the tharam rate. There is also another point in respect of this levelling up business. Out of the several notifications that we have issued under the Rent Reduction Act, even on the average basis, we could hardly pick up six cases in which the rents were lower than the rents mentioned in the notifications. Therefore, for criticism's sake, arguments may be advanced, but actually, there is no point in this. Suppose a tenant pays a certain rent for a land to-day and to-morrow when the Ramapadasagar Project comes into operation and if that area is under that Project, the tenant will have to pay a little more rent. As a matter of fact, Government are going to bring an Irrigation Bill that was once

[Sri Kala Venkata Rao] [24th November 1948]

sponsored by late Sri K. Srinivasa Ayyangar in 1924. We have revised it and we are going to bring in that Bill. That will give power to the Government to increase the rent. I have also told the House the other day another thing. In Ramnad to-day, there are not even bunds to tanks. Still they collect half-waram and suddawaram. But to-morrow, if we are going to repair the bunds and if the water-supply is increased with increased benefit to the ryot, then naturally the tharam rate will also increase. Therefore, there is nothing unjust in this and I therefore assure my hon. Friend that he need not press this amendment."

SRI B. NARAYANASWAMI NAYUDU :—" With your permission, Mr. President, I wish to say a few words even though you ruled the other day that for amendments, I have no right of reply."

DR. V. K. JOHN :—" The hon. Member has the right of reply."

SRI B. NARAYANASWAMI NAYUDU :—" There is only one point which I want the Hon. Minister to clarify and which I did not mention in my speech when I moved my amendment, and I want to say a few words on it. There are what are called 'Mamool pallam' lands and the wet rate is not collected by the Government. As a matter of fact, Government supply water to those lands but do not charge a higher rent. I want to know from the Hon. the Revenue Minister what will be the position of those Mamool pallam lands."

MR. PRESIDENT :—" They will come under the Irrigation Bill."

SRI B. NARAYANASWAMI NAYUDU :—" I went to know whether the rents will be increased with regard to these Mamool-pallam lands in the Settlement notifications that will be issued."

MR. PRESIDENT :—" Is there anything to prevent the Government from raising the rent?"

SRI B. NARAYANASWAMI NAYUDU :—" They cannot."

MR. PRESIDENT :—" It will form the subject-matter of another legislation."

SRI B. NARAYANASWAMI NAYUDU :—" They can bring any Bill. But, what I want to know is what is the intention of this Government with regard to these 'Mamool pallam' land. Will they continue to be as they are now or will a water-cess be levied separately? I want to know whether the scheme of this Act proposes to bring in water-rate also to those lands."

THE HON. SRI KALA VENKATA RAO :—" Sir, I said that all the privileges enjoyed in the ryotwari areas will also apply to the estates when they are taken over. Sir, the 'Mamool pallam' wet lands lie both in the ryotwari areas and in the zamindari areas and they do not pay a higher rate of tax at all for water supplied. The same principles which will be applied to the ryotwari Mamool pallam

24th November 1948] [Sri Kala Venkata Rao]

lands will also be applied to the zamindari mamoolpallam lands under the ryotwari settlement. So far as these mamoolpallam lands are concerned, they will continue to pay the same rents till such time as some other Bill comes into force and takes away the rights enjoyed by the owners of those lands."

MR. PRESIDENT:—"The question is that the following be added to sub-clause (1) of clause 16 :—

'Provided that where such assessment is higher than the assessment he was liable to pay to the landholder, the ryot shall pay only the lower assessment.'"

The motion was lost.

MR. PRESIDENT:—"The question is that clause 16 do stand and form part of the Bill."

The motion was carried.

Clause 17.

MR. PRESIDENT:—"The question is that clause 17 do stand and form part of the Bill."

The motion was carried.

Clause 18.

* DR. V. K. JOHN:—"Sir, I move that the following be substituted for the existing clause 18 :—

'Every building situate within the limits of an estate in respect of which a ryotwari patta has been granted shall vest in such pattadar who shall pay such compensation as is fixed by the Government in accordance with the rules framed by the Government and approved by the Provincial Legislature, such compensation being payable to the person or persons who before the notified date were the owners of such building.'

Mr. President, I want the whole clause 18 to be deleted. Because, there is no provision at all anywhere in the Act that these buildings which vest in the Government should be paid for. That is why I have given notice of my amendment. Now, there is no question of collection of revenue in this matter. A man might have put up many buildings. The Hon. the Minister said that many of these buildings do not cost much. But, they may be poor people who have put up these buildings and whether the buildings cost much or whether they cost little, how can that building be vested in the Government without payment of compensation. It is naked expropriation. There is no excuse in saying that the zamindars were only collectors of revenue and that these buildings belonged to the Maharajas before 1802 and they passed on to these zamindars. Sir, the building belongs to the landholder and if it vests in the Government, it should be paid for. It is only equity. What do the High Command say? They say that equitable compensation should be

[Dr. V. K. John]

[24th November 1948]

paid. But, if we expropriate the owners of the property, whether it is movable or immovable, we are committing a wrong and we are creating a feeling of insecurity in the public mind. That should not happen. If the Hon. Minister is correct in saying that these buildings are not very costly, then we need not worry but they have actually invested substantial sums on these buildings.

"The second point is this. There is a curious provision in this clause which says that buildings which vest in the Government, if it be under the occupation of religious or educational or charitable institution, will revert in the landholders when these institutions cease to exist. Now, Sir, in some of these buildings, repairs would have been effected. So, why should the buildings which vested in the Government should revert in the landlord? Whoever gets the patta of that land in which the building is, ought to pay for the building, if he likes that it should vest in him."

MR. PRESIDENT:—"Suppose a building is used for the purpose of a school, Government want to have control over it as long as the school is there. When the school disappears, the building will go back to the zamindar."

THE HON. SRI KALA VENKATA RAO:—"They are institutions for which there are no endowments, but for which some payment is made from out of the income of the zamindar. Simply because we want to take it over and run it, that provision is made."

MR. PRESIDENT:—"As long as the institution is there, the Government will have control over the building but when the institution disappears, the building will go back to the zamindar."

* DR. V. K. JOHN:—"Suppose for fifty years, a charitable institution is running some primary school or a high school. Under ordinary law, according to the principle of the Cypres doctrine, all properties vesting in a charitable institution, whether the right be an occupancy right or not, will certainly go to some other charitable institution."

MR. PRESIDENT:—"There are no endowments, but the zamindars are running some high schools, and have provided buildings for them. The schools are there, and the Government want to take over those buildings also, for the running of the schools; and if the schools disappear for some reason or other, the buildings will go back to the zamindars. There is no question of Cypres doctrine here."

DR. V. K. JOHN:—"What I am asking is, why should these buildings vest in the Government at all? They can be left in the occupation of the institutions and the ownership could continue to be in the landlord, until the religious, charitable or educational institutions cease to exist."

MR. PRESIDENT:—"Suppose alterations, repairs or additions have to be made, who is to do them?"

24th November 1948]

DR. V. K. JOHN :—“ Obviously, if the building is in the occupation of a charitable institution, which is running it, that institution has to carry out all these repairs, etc.”

MR. PRESIDENT :—“ There is no institution as such.”

DR. V. K. JOHN :—“ Then the wording in the clause should not be ‘ . . . in the occupation of a charitable institution . . . ’ The word ‘ occupation ’ is used. If the building is made use of, as by a licensee, it is quite a different thing. The vesting of these buildings in Government is an unnecessary complication introduced into this provision. I can understand vesting of these buildings in Government for all time.”

MR. PRESIDENT :—“ Why cannot you understand vesting in the Government as long as the institution exists? ”

DR. V. K. JOHN :—“ One can perhaps understand why they should vest. But why should they re-vest in the landlord? ”

THE HON. SRI KALA VENKATA RAO :—“ Because we do not pay compensation.”

DR. V. K. JOHN :—“ My main point is this. We should not give the idea that there is a case of expropriation. When any building is taken over by Government, they must pay compensation for it. If no compensation is paid, then there is clearly a case of naked expropriation.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I second it.”

THE HON. SRI KALA VENKATA RAO :—“ As I have already explained, we cannot force anybody to do a charity. If there was already an endowment for any educational or charitable institution, that would be administered, and the present income will be guaranteed to it and we will continue that institution. On the other hand, if there were simply a charity, and the zamindar has been making only some *ad hoc* contributions, we do not want the people to suffer for want of the facilities which they have been enjoying so far, and therefore want to take over these buildings for continuing such charitable institutions. If this clause were absent, the landlord may say : ‘ You go out of my building for you are not paying any compensation.’ We only want to pin him down to the charity that he began, and we shall continue to hold those buildings, as long as we would like to continue them. There is also a remote contingency of our ceasing to run these institutions. Dr. John asked, why should these buildings revert to the gentlemen from whom they were taken over? Simply because, we are not paying him any compensation now. To safeguard the position of Government, on account of the non-payment of compensation, this clause had to be introduced in the form in which it occurs here.”

“ As regards clause 18 (1), I have already explained, that rent-collecting was one of the duties imposed upon the estate holder by

[Sri Kala Venkata Rao] [24th November 1948]

the 1802 settlement, and for the purpose, the landlord must have some place wherefrom he can carry on the administrative functions imposed upon him by the sanad. Obviously, he cannot do so, by sitting under a tree or in the air. There must be some building intended for that purpose. We are taking away, under this clause, only those buildings which have been exclusively used for the purpose of administration. Though the clause is worded in the form in which it occurs, still, in effect, it will only affect a few buildings. Just now, I was exchanging notes with Mr. Gopalakrishnayya about these things, and we found only in a few estates buildings exist as the landholder's offices. So there is no expropriation at all contemplated here. If there is even any imaginary expropriation, the building is going to be utilized only for a public purpose, and not for any private benefit to anyone including the Government. Therefore, I would request Dr. John to withdraw his amendment."

DR. V. K. JOHN :—" With your leave, Sir, may I put a question to the Hon. Minister, whether this clause will be valid as against section 299 of the Government of India Act? "

MR. PRESIDENT :—" The hon. Member is more competent to answer that point, than the Hon. Minister."

THE HON. SRI KALA VENKATA RAO :—" I have been advised that it is valid."

The amendment was put and lost.

Clauses 18 and 19 were put and carried.

Clause 20.

SRI B. NARAYANASWAMI NAYUDU :—" I would like to say a few words upon this clause. The question has already been dealt with by me in my opening speech. But due to some reason or other, it escaped my notice, while I gave in my amendments. This clause refers to the mineral rights. It has nothing to do either with the ryot or with the landholder or with any other person. Clause 20 (1) states—

' In cases not governed by sections 18 and 19 where before the notified date, a landholder has created any right in any land (whether by way of lease or otherwise) including rights in any forest, mines or minerals . . . shall be deemed to be valid; and all rights and obligations arising thereunder on or after the notified date, shall be enforceable by or against the Government. . . . '

" Sir, what is the position of the mineral rights which have been created in those lands, before the notified date? And the clause goes on—

' Provided also that where such right was created for a period exceeding one year, unless it relates to the private landholder within the meaning of section 3, clause (10), of the Estates Land Act, the Government may, if, in their

24th November 1948] [Sri B. Narayanaswami Nayudu]

opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) *The person, whose right has been terminated by the Government, under the foregoing proviso, shall be entitled to compensation from the Government which shall be determined by the Board of Revenue in such manner as may be prescribed, having regard to the value of the right*

“ So, the life of a mining lease, created 90 days prior to the notified date, rests in the hands of the Government. They can terminate it at any moment, if they want it in the public interests, by means of a notice given to the person concerned. Whereas in respect of other rights, the principles on which the compensation should be based have been provided for, yet in respect of these mineral rights which may be acquired, no principles at all have been provided. Even under the Land Acquisition Act, the Government have power to acquire these mines. But there is power given to them, under this Act, to terminate a mining lease, and then pay the compensation in a manner to be determined by the Board of Revenue, according to some rules which they may frame. I submit, Sir, that this is not at all proper or sane. I do not have any specific idea in my mind. But I do suppose there are cases where such mineral rights have been created, and now, under this clause, the power to terminate that lease and acquire the rights created therein, is taken over by Government; and the compensation is left to be determined by the Board of Revenue, according to rules to be framed hereafter. We have now no idea about it and we cannot say whether it will be equitable and fair compensation or not. I submit, therefore, that this clause ought not to be accepted.”

THE HON. SRI KALA VENKATA RAO :—“ Sir, we have been very generous in this clause here, more generous than any other Bill in any other Province in India. Hon. Members will remember—I take the information from the Press news, and I do not know anything more about it—that the Bihar Zamins Abolition Bill was returned, because there was some dispute about the wording of the clause, with reference to the mines. The Government of India thought that the provision in that Bill was contrary to their industrial policy. So, after reading their industrial policy, and after consulting the concerned member of the Government of India in the matter, we have worded this clause in its present form. In the first instance, short-term leases are not touched at all. But as regards the long-term leases, we simply take over the power to acquire such rights, at any time we like; this is because, at some future date, it may so happen that these mines—as it happened in England when the English steel Bill said that all iron mines should be nationalized—may be taken over by Government in the national interests. For instance, there is the mangane-se mine in Garuvadi in Vizagapatam district, which we do not

[Sri Kala Venkata Rao] [24th November 1948]

propose to touch at all, unless it be in the national interest. And we shall take them over, not as Dr. John stated, by a process of expropriation, but by paying for it. The Board of Revenue is mentioned, because it is the competent body in charge of the geological affairs nowadays, in respect of which there are many standing orders of the Board already. I would only reiterate that we have been fairer than any other Province in this matter."

Clause 20 was put and carried.

Clause 21.

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I move—

The following shall be substituted for the existing sub-clause (2) of clause 21, namely :—

" (2) *The cost of the survey or re-survey shall be borne in the same manner as when the ryotwari settlement and surveys are made by the Government in ryotwari areas.*"

" This amendment is for the purpose of ensuring that the cost of surveying shall be borne by Government . . . "

THE HON. SRI KALA VENKATA RAO :—" We are going to pay for them, except for the survey stones which the ryots will have to pay for. I think, therefore, this amendment need not be moved."

MR. PRESIDENT :—" Sub-clause (2) says : ' payable by the ryots or the landholder . . . '

THE HON. SRI KALA VENKATA RAO :—" According to the Board of Revenue's standing orders, they are liable to pay only the stone charges."

MR. PRESIDENT :—" Then, what is this amendment intended for? "

THE HON. SRI KALA VENKATA RAO :—" The amendment seeks to clarify what I have submitted just now."

SRI B. NARAYANASWAMI NAYUDU :—" I thought it may be something different. But now that I have heard that the cost is nothing but that of the survey stones, I do not propose to move my amendment."

Clauses 21, 22 and 23 were put and carried.

Clauses 24 and 25.

* DR. V. K. JOHN :—" Sir, I move the amendments of mine which read as follows :—

The following shall be substituted for clauses 24 to 54, both inclusive :—

" *Adequate compensation equivalent to the market value of any interest in any land transferred, determined or acquired under the provisions of this Act shall be payable to the person or persons whose interests have been*

24th November 1948] [Dr. V. K. John]

so transferred, determined or acquired, by persons or Government for whose benefit such interests have been transferred, determined or acquired in such proportions and in such manner prescribed by rules framed by the Government and approved by the Provincial Legislature."

"And the following provisos to clause 25 :—

"Provided that compensation shall be payable on the basis of the market value of the interest acquired under the provisions of this Act, with 15 per cent solatium for compulsory acquisition. This compensation shall be payable in cash or in such other manner agreed to by the person entitled to compensation :

Provided further that compensation shall be payable by the person or persons or the Government to the extent of the benefit respectively conferred on him or them."

"The amendments are self-explanatory, and so, I do not propose to make a speech, and moreover, I have already referred to these in the general discussion."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I second the amendment, Sir."

THE HON. SRI KALA VENKATA RAO :—"I have also answered them earlier. The principle on which the compensation should be based also, I have already explained. Accordingly we have provided just and equitable compensation, more just than is provided for in any other Bill in any other Province of India. In the circumstances, I would request my hon. Friend to withdraw his amendments, since paying for these estates on the basis of the market value is not a feasible proposition."

The amendments were put and lost.

Clause 24 was put and carried.

Clause 25 was put and carried.

MR. PRESIDENT :—"The House will now adjourn, and meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

Clauses 26 to 30 were put one after the other and passed.

Clause 31.

* SRI A. GOVINDACHARYULU :—"I beg to move the following amendment :—

'In sub-clause (i), for the words "ryotwari demand" substitute the words "income".'

Sir, I want that the income should be taken as the basic sum for the purpose of determining the compensation. The ryotwari demand will be the demand as it has been reduced according to

[Sri A. Govindacharyulu] [24th November 1948]

the Rent Reduction Act and the reduction has been in many cases to one-third or half of the old income. One rupee has been reduced to six annas and four annas to one anna. These things are determined according to the rates prevailing in the villages near by. The fundamental principle of bringing down these rents is wrong and further to base the compensation on this reduced rent is simply ridiculous, harmful and unjust. The compensation so paid would be a farce and I am afraid that it will be *ultra vires* of section 299 of the Government of India Act and the very purpose of the Bill for which we all stand will not be achieved. I want that the present income should be taken as the basic sum, that 10, 15 or 20 times that amount be paid as compensation to the zamindars or the inamdars and that they be asked to quit and the land distributed to whomsoever the Government like. Then, Sir, no court will stand in the way of the cherished desire of my friend to have his name linked with that of Lord Cornwallis.

MR. PRESIDENT :—“ In clause 31, is the basic annual sum for inam estates fixed in the same way as for zamindaris? ”

THE HON. SRI KALA VENKATA RAO :—“ There is a difference. In the case of the zamindaris, the rent is reduced to the ryotwari level, and one-third of it is taken. There is a formula for it. In the case of inams, the whole amount is taken, minus quit rent and 3-1/3 per cent more in cases where there are irrigation works.”

MR. PRESIDENT :—“ In the case of 1908 inams also, is the whole rent taken? ”

THE HON. SRI KALA VENKATA RAO :—“ Yes, Sir. If the income should be taken as the basis here, it must be taken in the case of the zamindars also. It cannot be applied exclusively for the inamdars alone. The 1908 inamdars who are included in the Bill are those to whom only the collection of rent alone was assigned. They cannot be treated separately from the zamindars, nor can the present income be taken as the basis.”

MR. PRESIDENT :—“ What does income mean? ”

THE HON. SRI KALA VENKATA RAO :—“ If an inamdar gets 5 or 10 bags of rice per acre, the market price of it should be taken as the basis.”

SRI A. GOVINDACHARYULU :—“ Suppose an inamdar gets Rs. 5 or Rs. 10 from a land, that amount without any reduction under the Rent Reduction Act should form the basis.”

MR. PRESIDENT :—“ Even if the amendment is carried, he would not get anything more than what is given under the Rent Reduction Act.”

THE HON. SRI KALA VENKATA RAO :—“ Yes, Sir.”

SRI A. GOVINDACHARYULU :—“ I want that quit-rent and jodi should not be deducted from the basic sum.”

24th November 1948]

THE HON. SRI KALA VENKATA RAO :—“ Sir, my hon. Friend started as an advocate of the 1936 inamdars and he has gradually become an advocate of the 1908 inamdars. . . . ”

MR. PRESIDENT :—“ Clause 31 refers to mam estates, that is, estates recognized under section 3 (2) (d), where the melvaram alone is granted. Where does the question of income come? ”

THE HON. SRI KALA VENKATA RAO :—“ It does not come, Sir. There is one other point raised by him, Sir, which he has mentioned for the fourth time, I think. He has said that the Revenue Minister wants to associate his name with that of Cornwallis. I am not one of those who think that Cornwallis had any glory. He is an alien, he made his mark in the history of this country as a ruler and those people have left the country. No glory attaches to Cornwallis. If I want to have any glory, let it be my personal glory or the co-operative glory of the party to which I and my hon. Friend belong. But I may say, Sir, I have never aspired to get the glory of a Goethe or Marshall to which my hon. Friend is aspiring. He has already written a book of 1,200 pages and he is threatening another publication. I do not want any glory, Sir. If I have any, I shall gladly transfer it to my life-long friend Mr. Govindacharyulu. ”

SRI A. GOVINDACHARYULU :—“ I withdraw the amendment, Sir. ”

DR. V. K. JOHN :—“ We do not want to embarrass him, Sir. He can move his amendments and withdraw them if he likes. ”

The amendment was, by leave of the House, withdrawn. Clause 31 was put and carried.

Clauses 32 to 36.

Clauses 32 to 36 were put one after another and passed.

Clause 37.

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, the amendment which I have given notice of relates to the addition of two new provisos which read thus :—

“ Provided that in respect of estates which have changed hands prior to 1939, the total compensation payable shall in no case be less than the actual value paid :

Provided further that the total compensation payable in respect of any estate already surveyed shall include the cost of survey operations already incurred. ”

“ The first of the provisos deals with estates which might have changed hands prior to 1939. In respect of those estates, if the formula of compensation is applied, it will be inequitable. I took the year 1939 following the advice of my hon. Friend the Revenue Minister because he is fixing 1st July 1939, the date on which the resolution relating to the Prakasam Committee report was adopted

[Sri R. Suryanarayana Rao] [24th November 1948]

by both the Houses. Prior to that, it was found that the estate holders had complete power to alienate, to sell and to purchase also. So, some of them who purchased prior to 1939 did so in good faith that their position would be undisturbed and that they would be allowed to enjoy the income from the estates. Now, we are depriving them of this income. Is it fair to apply the formula the result of which, when they receive compensation, would be much less than the actual cost of the estate? The Hon. Minister for Revenue has repeated twice that it is just like the shares in the share market. I do not think either he or I have known what a share market is and what speculation in shares is. The mere fact that he compares *bona fide* purchases made before 1939 to the dealings in share market shows how much more ignorant he is than I am of the share market. When the shares are purchased, people know that the value of the shares may either go down or go up; when the value goes up, they sell the shares and make money, but when it goes down, they keep quiet, wait for an opportunity and then sell when there is better value. In the case of these estates, however, they never expected or indulged in speculation at the time of their purchase. They wanted an investment for their hard-earned money and so they purchased these estates. There are many persons who have become estate-holders who would never have dreamt of becoming so but for the income which they earned from their trade or other business which they were running. My hon. Friend Sri Venkata Rao has always tried to deride any argument put forward because it is against his pet theories. I am trying to point out how the incidents of shares is quite different from the incidents of property. But for the fact that they wanted some investment for their earnings, these purchases would not have been made. Is it now fair to deprive them of the full value which they are entitled to? My friend is always obsessed with the idea that some zamindar has purchased his estate out of the income he derived by rack-renting the ryots and so he is not entitled to full value for such purchased estates. But there are estates which have been purchased by people who were never estate-holders. Should they be thrown into the streets? That is my point. The Hon. Minister may say 'we cannot make provision for exceptions'; but a law which tries to do away with private property and the incidents attached to property must take care to see that not even one person is hurt when the acquisition of that property is done by statute even if it be in public interests.

"As regards the second proviso, the Revenue Minister told us that the Government are going to pay the whole cost of survey operations and what the ryot will be asked to pay is only the cost of stones, as in the case of the ryotwari land. But there are some estate-holders who have surveyed their estates at their own cost perhaps paying to the Government for doing the survey operations. Should they not at least be paid back what they have spent on those survey operations? That is all I am suggesting here.

24th November 1948] [Sri R. Suryanarayana Rao]

"I am suggesting these two provisos, Sir, on grounds of equity and justice. I may tell my hon. Friend that, with all his good intentions, if he persists in perpetrating this kind of inequity, his Bill may come under section 299 of the Government of India Act. With these few words, Sir, I move the amendment."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, I second the amendment."

MR. PRESIDENT :—" The House has missed you for a long time."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I do not think so, Sir; because we know what the fate of these amendments is, and however much we may move them, they are immaterial so far as the Government are concerned, and nothing will make the Hon. Revenue Minister feel that what we say is correct.

" So far as this amendment is concerned, my hon. Friend has advanced one argument, viz., that there are estates which have been purchased by persons other than zamindars. That is the point I have been pressing from the very beginning. These persons if they had invested their hard-earned money in other fields such as on the purchase of ryotwari lands or buildings or invested in banks, their money would be intact; but because they purchased these estates, they have now to lose a great part of their money. I must point out, Sir, they are not solely responsible for the purchase of the estates; this Government are themselves responsible. This Government have been treating the zamindars as proprietors of the soil, they have allowed them to mortgage the estates, and to sell them and at no time did they say 'you cannot sell them because you are only tax-collectors and commission agents.' You, as a lawyer, Sir, will appreciate when I say that the principle of ostensible ownership should be applied to these estates. The Government have been a willing party to the purchase of these estates by third parties; it is with their knowledge and with their consent that the estates were purchased. Therefore, under the general principles of jurisprudence, the Government are bound to pay these persons the market value of the property."

* DR. V. K. JOHN :—" Sir, this amendment relates to a case which exposes the injustice perpetrated by this Bill. It is so patent. I have an instance where a person bought an estate for Rs. 20 lakhs, and what he would get under this Bill is Rs. 5 lakhs. I say this Bill if passed into law will create such a disorder that the economy of the villages would be destroyed. It would have been much better for the Hon. Revenue Minister to let loose on these estates thousands of man-eating tigers. The people and those interested in the welfare of the ryots would be put to so much fear and confusion and so much loss as they would be if you had let loose man-eating tigers on them."

THE HON. SRI KALA VENKATA RAO :—" Sir, I have no tiger to let loose on anybody, not even on estate-holders, not even

[Sri Kala Venkata Rao] [24th November 1948]

on Dr. John who espouses their cause; nor am I even a man-eater (laughter). The point raised by this amendment is that estates have changed hands since 1802. It is true. As I told you earlier, when we fixed the peshkash at nine-tenths, the zamindar sold away the estate. I understand even before 1856, nearly 40 to 50 per cent of the zamindaris changed hands; there may have been subsequent changes too till very recently. I know there have been cases of purchase in spite of agitation in the country, even in 1945 and 1946. That being so, when they wanted to make an investment on land—I did not use the word speculation—they paid a competitive price. In many cases, X wanted to purchase and Y also wanted to purchase and as between them they paid a competitive price for the estate. If we agree to purchase price, the compensation would fall into the hands of the gentleman who competed for the purchase of the property; and as I have explained, there is absolutely no reason why these gentlemen should be preferred to others.

“Another point raised by Mr. Suryanarayana Rao was about people who have purchased estates, who were not estate-holders earlier. I do agree with that point; I can quote a hundred instances where a gentleman was a legal adviser to the estate and got a lot of money and later on purchased the estate itself or a nearby estate. Many of the later purchases, at least in the twentieth century, were of that type. Very few gentlemen like my hon. Friend Mr. Gopalakrishnayya purchased the estates in the usual course. Even to-day, his status, his influence and his position in the country as a ryotwari pattadar are great and he is a leading man in the Kistna district. But, in the majority of cases, these people paid competitive price, and so that competitive price should not be the basis for payment of compensation. I am therefore unable to accept the amendment moved by my hon. Mr. Suryanarayana Rao.”

The amendment was put and lost.

* SRI A. GOVINDACHARYULU :—“Sir, I move—

Add the following at the end of clause 37 :—

‘The compensation payable to the purchasers of inam estates or part thereof shall not be less than the amount paid towards the purchase and they shall be paid the total sum paid by them towards the purchase or the compensation as specified in this section above, whichever sum is higher.’

Sir, this amendment also stands on the same footing as the previous amendment; only it speaks about inamdars instead of zamindars who got more money out of the estates. These inamdars had very small income out of their small estates. Suppose an inamdar gets about Rs. 200, generally 20 times or at best 35 times is paid; but there is no competitive purchaser at exorbitant prices as in the case of zamindars, as pointed out by my friend just now. So, the only question to be decided is; if the Rs. 200 income is reduced to

24th November 1948] [Sri A. Govindacharyulu]

Rs. 60 or Rs. 50, and even if twenty times that amount is paid, the total amount would come to about one-fourth of the amount invested by the gentleman on it. It will be a great hardship on these small owners and it is not at all just. The Transfer of Property Act is still there; it has not been amended; and it is not stated that sale and purchase of lands will be invalidated under the law. So, I submit it is unjust to pay less than what the person has actually paid for the purchase of inam land. I, therefore, request that my friend, the Revenue Minister, will be pleased to accept this amendment at least."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I second the amendment."

* DR. V. K. JOHN :—" Sir, on a point of order. I want a ruling on this point of order, Sir. Is it in order for a Member to move an amendment with the certain notion in his mind that he is going to withdraw it later on? Every amendment moved by any Member on the other side is to be withdrawn and not to be voted upon. Is it in order for a Member to move an amendment with the notion in his mind that he should withdraw it later on? "

MR. PRESIDENT :—" If you can devise some method by which I can read his mind, something can be done." (Laughter.)

THE HON. SRI KALA VENKATA RAO :—" No other point has been advanced except the poverty of the inamdars. As regards inam estates, we have shown favour to them and even Sir Lakshmanaswami Mudaliyar pointed out the incongruity involved in the business on the ground there are two bases. I am sorry, Sir, I am unable to accept the amendment."

The amendment was, by leave, withdrawn.

Clause 37 was put and carried.

Clause 38.

* SRI R. SURYANARAYANA RAO :—" Mr. President, I move—

' Omit the word " inam " wherever it occurs.'

" My object is to fix the liability of the Government in respect of the property of the estate whether it is inam or any other estate which is given for religious, educational or charitable institutions. There are several kinds of estates which may be taken away under this Bill, the income from which was used for the maintenance of religious, charitable or educational institutions. According to the wording of the clause the tasdik allowance is provided only when an inam estate or part thereof was held immediately before the notified date by my religions, educational or charitable institution, so that this provision does not refer to other types of estates. My object is to secure the income from all estates and not only inam estates if they were intended for the maintenance of charitable or educational institutions."

[24th November 1948]

MR. PRESIDENT :—“ If an estate was originally meant for the maintenance of a charitable, religious or educational institution, they said that they would make it good. If any religious institution purchases from its surplus income an estate, there will be no difference between that institution and any other purchaser of an estate; as a matter of fact what is the difference between this one and the other? What the Government seem to feel is that those institutions cannot be treated differently from any other ordinary purchasers.”

SRI R. SURYANARAYANA RAO :—“ No Government will be pleased to argue in the way you are putting it.”

MR. PRESIDENT :—“ You will hear about it from the Government.”

SRI R. SURYANARAYANA RAO :—“ As long as the income from these estates is utilized for the purpose of promoting the objects for which these educational or charitable institutions or religious institutions exist I do not think any Government can take objection to my proposal.”

MR. PRESIDENT :—“ That is how I understood the viewpoint of the Government.”

SRI R. SURYANARAYANA RAO :—“ I had an apprehension that that might be the view though they are undertaking to run a large number of institutions. I suggest that the word ‘ inam ’ might be omitted.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Mr. President, I second the motion.”

MR. PRESIDENT :—“ The question is that—

‘ in clause 38 the word “ inam ” wherever it occurs shall be omitted.’ ”

THE HON. SRI KALA VENKATA RAO :—“ I am glad you have interpreted very well the mind of the Government. If it is a zamindari estate that was given as an endowment, we have said in another clause that we are taking up the management of the institutions and maintain them and where inams have been endowed this section applies. We will use the money for the purposes of the religious or educational institution to which such endowment had been given. Regarding the Tirupati estate, we have to run many institutions; but a fancy price of about 72 lakhs of rupees was paid by the Mahant. What is the Government to do; everybody knows that it was a non-paying concern till a year ago.”

MR. PRESIDENT :—“ Was it a fancy price? ”

THE HON. SRI KALA VENKATA RAO :—“ At that time it was, Sir. I say it from what we see and from the results that followed the purchase. The difficulty is the management itself asked the Government to take over that estate in 1942. On all these

24th November 1948] [Sri Kala Venkata Rao]

cases the Government is asked to pay a huge compensation. It would be difficult. Administratively we can do anything when once we take up the management because there are already endowments given to them. We can convert them into script and after all agriculture is not yielding more than 3 per cent nowadays and therefore, we will make sufficient arrangement to see that the institutions are run and I say, Sir, that no educational institution is going to suffer. It will be hard upon the Government to bring all estates under the purview of this section."

MR. PRESIDENT :—" It is not a question with regard to educational institutions alone; what about temple itself? "

THE HON. SRI KALA VENKATA RAO :—" We never want to undertake it. While we do not want to incur any inconvenience, the prosperity of the temples in the future must depend upon the *bhakthi* of the devotees."

MR. PRESIDENT :—" I am not asking you to take up the management of the Tirupati temple. My point is whether this does not apply to a temple. Supposing some villages are endowed you will not take up the management; you are taking over the villages giving the temple whatever income it was getting. Why do not you apply the same thing to Tirupati? "

THE HON. SRI KALA VENKATA RAO :—" The whole thing is that compensation on zamindari basis is required. As a matter of fact, we have to run those colleges. There were certain other properties which were the subject-matter of subsidiary endowments and there was lot of trouble over that question. That question came up for examination before the Government and we have not finished examination. We can get things done in the manner we want administratively. It would be difficult if legal restrictions were imposed upon the future administration over the matter."

The amendment was put and lost.

Clause 38 was put and carried.

* SRI R. SURYANARAYANA RAO :—" Mr. President, I move—

" Omit the words " in any court of law " and " or any other authority or to be questioned by any court of law " "

This clause deals with the determination of basic annual sum and of total compensation. It is to be done on certain principles and determined by the Director of Settlement in accordance with those principles. The Hon. Minister may think those may be good principles but I feel, Sir, some of them are of doubtful value. The last clause says that no order passed by the Director under sub-section (1) shall be liable to be cancelled or modified except by the Board of Revenue or be questioned in any court of law. The decision of the Board of Revenue shall be final as regards the basic sum and the total amount of compensation. Secondly, no order passed by the Board of Revenue under sub-section (5) or (6) shall be

[Sri R. Suryanarayana Rao] [24th November 1948]

liable to be cancelled or modified by the Government or any other authority or to be questioned in any court of law. The only extenuating factor is that the Government have not taken power to overrule the decision of the Board of Revenue but that does not afford any consolation to those affected by the basic sum and the total compensation fixed. Later on, Sir, I have suggested an appeal to the Special Tribunal and at present we want to provide that these orders of the Board of Revenue shall not be final but that they shall be liable to be questioned in any court of law by the aggrieved party. This is a very important question and I commend this for the acceptance of the House. We have been complaining that this Government are bringing forward Bills taking away the jurisdiction of the courts of law. Later on in the matter of the division of compensation, an appeal is provided to the Tribunal, to the Bench of the High Court. But my purpose in moving this amendment is that even in regard to the basic sum and the total compensation, the aggrieved party should go to a court of law and see that the principles laid down under this Act have been properly observed first of all by the Director of Settlement and later on by the Board of Revenue."

SRI M. D. T. RANGANATHA MUDALIYAR :—" I second the motion."

MR. PRESIDENT :—" The question is—
"In sub-clause (7) omit the words "in any court of law" and "or any other authority or to be questioned in any court of law"."

"I suggest to the hon. Member to read the clause with the omission suggested by him."

SRI R. SURYANARAYANA RAO :—" I am sorry it is a mistake; but my object is that no order passed either by the Director of Settlement or the Board of Revenue shall be final and there should be a provision for appeal to a court of law."

MR. PRESIDENT :—" The amendment is not properly worded to bring out the hon. Member's intention."

SRI R. SURYANARAYANA RAO :—" I have no objection to correctly word it provided it gets through. I am sorry I did not take proper advice."

* K. T. M. AHAMED IBRAHIM SAHIB BHADUR :—" Mr. President, I have explained the position sufficiently during the general discussion and that is the reason why I am seconding the motion to-day. Provision is made for a second appeal to a Judicial Tribunal in cases where private parties are concerned but in cases where the Government themselves are a party, the Bill has not provided for any appeal. The decision of the Government or rather the decision of a subordinate executive officer of the Government is treated as final. Therefore, I object."

24th November 1948.]

MR. PRESIDENT :—“ The amendment is wrong; I think it must be to omit the clause.”

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—
“ The intention of my friend was that there must be room for an appeal to the Judicial Tribunal.”

* MR. PRESIDENT :—“ But you cannot amend it as it is.”

* DR. V. K. JOHN :—“ Mr. President, I wish only to tell the Government how unfortunate the drafting of clause 39 (7) is. It says that the order passed by the Board of Revenue shall not be liable to be cancelled or modified by any authority and no court and no Government and nobody can do it. You, Sir, as a lawyer know that unless the power of review is conferred by statute no court of law or any judicial or quasi-judicial authority can review its own judgment or order. Now, Sir, the Board of Revenue is human and might make mistakes and who is to correct them? It cannot even review its own orders. What is the position now? If it makes a mistake and reviews its own orders, it is open to anybody to move the High Court for a *writ of certiorari* or *mandamus* saying that that authority has no jurisdiction to review its own orders. I am asking why the Board cannot be given the power of review. I am at a loss to know why the Government fight shy of it; they could have at least given the right of review to that authority.

“ The persons who assist the Government in drafting, are ignorant of the first principles of law.” 2-15 p.m.

THE HON. SRI KALA VENKATA RAO :—“ Sir, this point also was discussed threadbare on the floor of the House when the question of jurisdiction came up for discussion. If we agree to the question of quantum should be gone into by a court of law, there will be appeals to various courts. You cannot fix it to a particular court, and it will take time and we cannot give effect to the provisions of the Bill as we wish. After all, it is an arithmetical calculation—one-third of something *minus* something and multiplied by something. There is no possibility of any mistake being committed. Therefore there is no necessity for any such power to be given in this clause. Apart from this, I do not like to enter into a discussion with Dr. John about the capacity of the Government or the Legal Department. This much I can assure him that if there is anything particularly wrong, we will ourselves bring an amendment.”

MR. PRESIDENT :—“ Is Mr. Suryanarayana Rao withdrawing the amendment?”

SRI R. SURYANARAYANA RAO :—“ Yes, Sir, I am withdrawing the amendment.”

The amendment, by leave of the House, was withdrawn.

[24th November 1948]

MR. PRESIDENT:—"The question is—

'that clause 39 do stand part of the Bill.'"

The motion was carried.

Clause 40.

MR. PRESIDENT:—"The amendment to sub-clause (2) of clause 40 is in the name of three persons. Who is going to move it?"

* DR. V. K. JOHN:—"Sir, anybody can move it. Anyway, my name comes first and I have the privilege of moving this amendment."

MR. PRESIDENT:—"I thought you might enjoy Mr. Govinda-charyulu moving it."

DR. V. K. JOHN:—"No, Sir.

"Clause 40 deals with the payment of compensation in the manner prescribed by rules made by the Government. Sub-clause (2) says—

'Such rules shall be subject to the approval of the Provincial Legislative Assembly.'

Now, Sir, everybody knew or must be presumed to have known the existence of the Legislative Council, this Upper House. This matter concerns the dignity and privilege of this House. And I would once again ask the Hon. Revenue Minister not to enforce party discipline—I would call it party 'tyranny'—upon the Members of this House and ask them not to support this amendment. I say, it ought to be 'the Provincial Legislature'. Any rules must come before this House also. It is not correct to ignore this House and whoever has chosen to ignore this House has committed a grave error of judgment, if not anything else. This is a matter concerning the dignity and privilege of this House and I trust, Sir, you will also exercise whatever influence you possibly can and see that nobody brings forward a rule to the effect that the Assembly will be consulted and not the Council. I say it is an affront to the dignity of the House and I ask every hon. Member in this House to vote for this amendment. I am going to call for a division and let every Member see that this is a matter concerning this House and every Member of this House.

"Sir, I move—

'that in sub-clause (2) for the words "Provincial Legislative Assembly" the words "the Provincial Legislature" be substituted.'"

MR. PRESIDENT:—"I should like to hear Dr. Lakshmana-swami Mudaliyar in this matter as he was in the Select Committee."

24th November 1948.]

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, you were not present when I raised this fundamental objection in my opening speech and said that it was certainly very regrettable.”

THE HON. SRI KALA VENKATA RAO :—“ Sir, as I have already said the words ‘ the Provincial Legislature ’ were in the original Bill. But in the Select Committee certain arguments were advanced and in spite of myself arguing against them, the Select Committee adopted this amendment. Therefore, as I have already said on the floor of the House, the Government are prepared to bring these rules under rule 40 by a special motion before this House if it is legally possible or if it is not possible before such rules are adopted, I would bring an amending Bill so as to provide for the Legislative Council also to discuss it. By simply accepting this amendment now—though I want to accept its principle—I will be unnecessarily delaying the passage of the Bill for another two or three months. By this, I do not mean any disrespect to the House. Therefore, with this assurance I appeal to Dr. John to withdraw the amendment.”

* DR. V. K. JOHN :—“ Sir, what is the use of bringing this Bill before this House if the Government have decided that—even on a matter in which they agree with us—they cannot accept any amendment for the sole reason that it has to go back to the Assembly for approval? What does this mean? This means that the whole business is a farce. As the Leader of the Opposition, I cannot be a party to it.”

MR. PRESIDENT :—“ What the Hon. Minister said is that it will delay the present legislation.”

* DR. V. K. JOHN :—“ They can call a meeting of the Legislative Assembly next week and have this amendment passed by that House. This, they are not prepared to do. Then, what is the use of our sitting here and participating in the discussion of this Bill? The whole discussion in this House is reduced to a farce. I am sure, nothing will go to the other House. That is why I ask for a division in the matter.”

MR. PRESIDENT :—“ I think, Mr. Narayanaswami Nayudu's amendment also can be taken along with this amendment.”

“ What does the Hon. Revenue Minister propose to do with these amendments? ”

THE HON. SRI KALA VENKATA RAO :—“ Sir, I am not going to accept the amendment for the reasons I have already stated. I have been very reasonable in this matter but the Opposition does not appreciate it.”

MR. PRESIDENT :—“ Somebody told me that the Assembly is likely to meet sometime next month.”

[24th November 1948]

THE HON. SRI KALA VENKATA RAO :—“ Sir, it will not meet till the third week of January.”

MR. PRESIDENT :—“ The question is—

‘ For the words “ the Provincial Legislative Assembly ”, substitute the words “ the Provincial Legislature ”; and after the word “ Assembly ”, add the words “ and the Legislative Council ” ’.”

The amendments were put and declared lost and on a poll being demanded once more by Dr. V. K. John, the House divided thus :

MR. PRESIDENT :—“ By this division we shall see whether the House will vote against itself or not.”

Ayes.

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| 1 Sri R. Suryanarayana Rao. | 6 Dr. Sir A. Lakshmanaswami Mudaliyar. |
| 2 Mrs. M. Hensman. | |
| 3 Sri M. D. T. Kumaraswami Mudaliyar. | 7 Abdul Latif Farookhi Sahib Bahadur. |
| 4 Sri A. Gopalakrishnayya. | 8 Dr. V. K. John. |
| 5 „ B. Narayanaswami Nayudu. | 9 K. T. M. Ahmed Ibrahim Sahib. |

Noes.

- | | |
|-----------------------------------|------------------------------------|
| 1 The Hon. Dr. S. Gurubatham. | 11 Sri C. N. Muthuranga Mudaliyar. |
| 2 „ Sri K. Madhava Menon. | 12 „ S. Jayaram Reddiar. |
| 3 „ Dr. T. S. S. Rajan. | 13 „ M. K. Sundarama Ayyar. |
| 4 „ Sri O. P. Ramaswami Reddiyar. | 14 „ C. Perumalswami Reddiyar. |
| 5 Sri B. Bhima Rao. | 15 „ G. Venkata Reddy. |
| 6 „ M. Narayana Menon. | 16 „ D. Krishnamurthy. |
| 7 „ N. Sankara Reddi. | 17 „ N. Ranga Reddi. |
| 8 „ M. Narayana Rao. | 18 „ t. Veeraswami. |
| 9 „ P. Veerabhadraswami. | 19 Mr. A. S. T. F. Rodriguez. |
| 10 Dr. U. Rama Rao. | 20 Sri S. B. Adityan. |

Neutral.

- 1 Sri K. Natarajan.

Ayes : 9 ; Noes : 20 ; Neutral : 1.

The amendment is lost.

3-30
p.m

SRI S. B. ADITYAN :—“ May I know, Sir, whether the assurance given by the Hon. Minister for Revenue that he will be bringing an amending Bill still holds good in spite of the voting of the House just now? ”

THE HON. SRI KALA VENKATA RAO :—“ Yes, Sir, I am not going back on my word.”

Clause 40 was put and carried.

Clauses 41, 42 and 43 were then put and carried.

Clause 44.

* DR. V. K. JOHN :—“ May I state, Sir, with regard to the other amendments given notice by myself and other members of the Opposition, that we do not propose to move them in view of the voting on the previous amendment, by which, in effect this Council

24th November 1948] [Dr. V. K. John]

has abdicated its function. I call it not party discipline but party tyranny. There is no purpose in moving further amendments and so we propose to move no further amendments on this Bill."

Clause 44 was put and carried.

Clauses 45, 46, 47, 48, 49 and 50 were put to vote and carried.

Clause 51.

SRI R. SURYANARAYANA RAO:—"I do not propose to move any amendment, Sir."

Clause 51 was put and carried.

Clauses 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 were then put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move—

'that the Bill be passed into law.'"

* SRI B. BHIMA RAO:—"I want to say a few words on this Bill at the third reading stage. On the first day, when this Bill was moved in this House, I was one of those who spoke for the exclusion of the inams from the purview of this Bill. You were not present, Mr. President, on that day. Sir, I had sought for some information after studying the Bill as soon as I got it; I specially requested your office to give me that information by the 18th instant; but that information was given only the next day, the 19th instant, after my special request. That information was given by the Hon. Minister and it showed that out of eight thousand and odd applications preferred under section 185-A of the Amending Act of 1936, only two per cent were successful. That is, Sir, those who had the melvaram as well as the kudi-varam interest only formed 2 per cent of the estates, and 98 per cent were, what were called, 1908 inams, coming under the purview of Act I of 1908. That being so, Sir, as you observed in the very first instance, the principle that was applicable to them was identically that of the zamindar. But my point of view in supporting the exclusion of the inams is that their origin was quite different. It is only this point of view that I wish to deal here now and I shall finish what I have to say in three or four minutes.

"The origin of these inams especially in the districts of Bellary and Anantapur with which I am concerned, is not by way of gift by zamindars—in fact there are no zamindars in these two districts. These gifts were made by ancient Kings like Krishnadeva Raya and others before him. My submission was they were made for learning and culture and they ought not to be resumed. But anyhow the Hon. Minister has provided for a larger scale of compensation in the case of those inams especially when the incidents of those inams are more or less analogous to zamindaris. In the case

[Sri B. Bhima Rao] [24th November 1948]

of 98 per cent of them I plead—I have received several representations of printed memoranda from several inamdars showing that there are several instances in which between 1939 and the date of introduction of this Bill, several people have purchased inam villages worth Rs. 28,000, for which according to the present scale, compensation will not come to even 10 per cent of that value. As you said, the Prakasam Committee has said that the inams should be excluded altogether. Even Mr. Karanth's Bill excluded 1908 inams and it only related to three categories coming under section 3 (b), (c) and (d). That being so, I only enter a plea on behalf of those people who are affected by this Bill that the Government in its executive capacity may give ex-gratia compensation to those holders of inams. The Hon. Minister knows that in the Tungabhadra Project Scheme, where though the notification was made in 1941 for the acquisition of lands for the purpose of the scheme, cent per cent compensation is now given. For, a land worth in 1941, Rs. 100, has now risen in value cent per cent; and so, though the owners of land get through Court only 115 per cent, the balance of 85 per cent of the value they got from Government. So I appeal to the Hon. Minister concerned for a sympathetic consideration of this point of view and say that there must be some ex-gratia compensation paid to these inamdars."

3-45
p.m.

MR. PRESIDENT :—" How can he do it in the face of this Bill?"

* SRI B. BHIMA RAO :—" The Government are doing it in the case of the Tungabhadra Project. Under the Land Acquisition Act, they can pay only 115 per cent. But they are paying more."

MR. PRESIDENT :—" There is no legislation there. But there is legislation here."

* SRI B. BHIMA RAO :—" There is legislation—the Land Acquisition Act I of 1894. It authorizes the Government to pay only 15 per cent more. But they are paying an additional 85 per cent in their executive capacity. In the same way, I appeal to the Hon. Revenue Minister to treat this matter sympathetically."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Mr. President, Sir, it is now six long days since this Bill was introduced in this House and during these six days there has been a considerable amount of discussion on most of the clauses that were incorporated in this Bill. I am afraid that it will serve no useful purpose for any one of us to speak about the Bill at this stage, for its fate is pre-destined. It is going to be passed by this Council and become law in a few minutes and, I suppose, if circumstances beyond the control of the Hon. Revenue Minister prevent it from becoming law at once, it will become law in the course of a few weeks. I cannot, however, congratulate the Hon. Revenue Minister on the pyrrhic victory that he is likely to achieve in this Bill. I am afraid that the historian of the future will

24th November 1948] [Dr. Sir A. Lakshmanaswami Mudaliyar]

record the day on which this particular piece of legislation is passed as indeed a historic day from many points of view, for it seals the fate of everything pertaining to equity and justice which we consider dear. New principles have been evolved in this Bill, new policies have been enunciated, new directives have been given. I repeat what I said in my opening remarks. The Hon. Revenue Minister was full of earnestness, zeal and sincerity, and I pay him without any hesitation my due meed of praise. But he will be sorry when these new principles are to be operated by others who may succeed to the Government of this Province or of this country. At a time when the world is being shaken to its very foundations and people are losing all sense of values, we in this House are passing a measure that will usher in the day when the sense of values will disappear altogether even earlier than would be the case otherwise. Let me give a few instances to show why I hold to this feeling with so much sincerity and anxiety.

"Sir, in the Bill you will notice that certain dates have been given. The 1st of July 1939 will be an epoch-making day and the 1st of July 1945 will be another. I ask you to consider the significance of these dates. It has been said that the Congress Party gave in its election manifesto the information that it was likely to implement a certain measure when it came into power. It was also pointed out that in the discussions that took place at an earlier stage the then Hon. Revenue Minister made it clear that he was going to introduce a certain measure. I understand something of political parties and election manifestoes of political parties. The manifestoes are intended to be implemented from the time the party comes into power. From that point of view, I have no doubt, whatsoever, that this Government and the Hon. Revenue Minister in particular are certainly following the principles that have been enunciated in the election manifesto of their party. If they had remained content with that, I could understand. But when they introduce these dates because the election manifesto said something, what are they leading up to? I will give an illustration. The Socialists in their election manifesto are stating something. The Communists are stating something. Suppose in the year of grace 1955—I put it as far as possible so as not to frighten the hon. Members opposite (Laughter)—suppose in the year of grace 1955, the Communists come into power and say: 'Well, in 1947 we said that we would pass such and such legislation when we would come into power. Therefore we want to ante-date and say that everybody who was in enjoyment of more than one house with a floor area of say, one hundred square feet, shall be deprived of all their houses in excess of one.' Suppose also they say that the owners should pay with retrospective effect the rent that they had collected from 1947 which they would not have got if they had not been in enjoyment of those houses from 1947! I ask: Is that a principle that you are going to accept?

"Let me give another illustration. You know that the question of levying death duties is being considered in another place.

[Dr. Sir A. Lakshmanaswami Mudaliyar] [24th November 1948]

That question was first raised under the old bureaucratic régime, but it was not pushed through. Suppose the party that comes into power in the Imperial Legislative Assembly—I do not know whether I can use that expression—or in the Constituent Assembly as it is so beautifully constituted to-day, the party that comes into power in the year of grace 1952 decides to levy death duties. Suppose also that they point to the Act or rather the intended Act of Sir Jeremy Raisman and say: 'These duties ought to be levied from the time the Act was mooted. Let us turn the people that are in their graves and impose death duties on them.' What is there to prevent them from doing so? This fixing of dates is analogous in my opinion to the legislation that may be passed by a future Government on the basis that the principle of that legislation had been incorporated in the election manifesto of their party. Nowhere have I seen this procedure of following election manifestoes and giving retrospective effect. As I understand them, election manifestoes are there to be implemented from the time the party comes into power and they should never be given retrospective effect. I have already spoken on the various clauses of the Bill to the best of my knowledge and ability. Some of the clauses are really expropriatory. Take for instance, the clause dealing with buildings in estates. No doubt, the Hon. Revenue Minister said that the buildings were small and that they were not of much value. That is all the more reason why they should not be expropriated. The principle it is we object to, and not the cost. I know some zamindars had put up buildings. Have the Government waived any part of the peshkash in the case of such zamindars? The Hon. Revenue Minister says: 'These buildings have been used for the purpose of collecting rent. Hereafter we are going to collect the rent and therefore they should surrender the buildings to us.' It is a question of might deciding the right and not of equity and justice. Let me take another example. To deal with all cases relating to compensation, we pleaded that there should be some machinery set up which could as far as possible satisfy the public that it is a judicial body. The Bill proposes the Board of Revenue which, as I said, is an agency subordinate to the Government. The explanation was given that the Board of Revenue was not a law court and that therefore these endless legal proceedings would not arise. The Hon. Revenue Minister, however, admitted, when I asked for further enlightenment, that lawyers could possibly appear before the Board and plead the cause of their clients. By that admission he has cut the whole of the ground on which he stood. When lawyers can appear and plead, why should not that authority be a person of a judicial capacity sitting in judgment as a *persona grata* if necessary, or a court or a tribunal from which there could be no further appeal? I have already asked and I repeat the question now: Is the Board of Revenue the most competent body to deal with these very very intricate questions of expropriation? The Hon. Revenue Minister always tries to make his explanation so beautiful that I have also fallen a victim to him in spite of my preparedness to the contrary.

24th November 1948] [Dr. Sir A. Lakshmanaswami Mudaliyar]

When he gets up and speaks, it looks as if his speech is all right for the time being. It takes at least four or five minutes to realize that he has been speaking in a way that has captured my heart and not my head. He said that the Board of Revenue was concerned only with mathematical calculations. If that is so, I place the Mathematics department of the University of Madras at the disposal of the Hon. Revenue Minister and ask him to accept their services, because I am not so sure of the mathematics of the Board of Revenue. I ask another question. This is a very complicated and intricate problem. I have realized this the more I listened to the debates on every side, the more I sat in the Select Committee, the more I read the proceedings of the Legislative Assembly for light when it was not forthcoming at all. Particularly the more I listened to the discussions on the floor of this House, I realised what an intricate problem it was. The Board of Revenue is a changing machinery. You have only to see the notifications issued in the Gazette to realize how many changes there have been in the Members of the Board of Revenue within the last two years. I ask you whether a Member of that Board is not the Inspector-General of Police now. I do not know which other Members may be similarly translated. The Members who are there this month are not there next month. Between the time of the arising of a question and its final settlement, the Members may change. The Government feel that their officers know everything. The Director of Industries knows nothing except the kitchen industry of his own home. That is the point about which we are worried. From the Government's point of view, the Board of Revenue may be omnipotent. But I feel very grave doubts whether, in a most complicated measure like this, the Board of Revenue could properly carry out the functions which have been assigned to it. So far as the intentions are concerned, they are excellent. About the intentions of the Hon. Revenue Minister, I have no doubt whatsoever and I do not propose to speak about the matter in a purely personal complementary sense. If he is given an opportunity, he may carry out what he has said. Sir, it is said that the road to a particular place is paved with good intentions. But we cannot always be sure of those intentions. That is why some of us felt unable to accept his assurances. After all, he is subject to control. When the time for implementing those assurances come, he will be the first man to turn round and say that he is subject to discipline. He will correct me if I am wrong. When he himself is subject to disciplinary control, how can he commit himself or his Government to the assurances that he has given on the floor of this House?

"I will not take up much of your time. I understand that the House has to consider an adjournment motion at 4 p.m.

"A great deal has been said about the disposal of lands. I put forward the plea that it would be a mistake to parcel out these lands to various people at present. I have not got the political sufferers in my mind at all. By all means give them lands. I am not one of those who regret it. Every Government must exercise

[Dr. Sir A. Lakshmanaswami Mudaliyar] [24th November 1948]

its patronage, and so long as it is exercised in a judicious manner, I have nothing to complain against. Only when judicious considerations are not clearly visible, the public begin to complain. I ask you to consider this seriously. In my opening remarks, I invited the Hon. Food Minister to speak, but he kept silent. In some cases perhaps silence is a golden virtue and my friend knows how to preserve it. I said that if proper care was not taken of lands, there would be a great setback to the Grow More Food Campaign. I said also that modern methods should be adopted for bringing these lands under cultivation if we were to benefit by these lands. The Government have said that they wish to distribute these lands to the Harijans, the backward communities and the landless poor and I thoroughly agree with them. But let them set up a machinery independent of the Government to make the distribution. Let them give to that body freedom to frame the necessary rules. Only then there will be freedom for the Government from the irksome burden due to innumerable persons putting pressure of various degrees and wringing the lands as it were from the Government. I know what I am speaking about. It does not apply to this Government alone; it applies to all forms of democratic Government.

“ I say that these lands should be handed over to the Co-operative department for cultivation. The Government should start well-organized co-operative societies consisting of people who know co-operation, who believe in co-operation, and not of people who know of personal co-operation only.

“ Sir, I will conclude as the time is getting near. It is with great regret that we have to express these views on a very important Bill on which we very much wished that there should have been unanimity. There was a possibility of unanimity. The Hon. Revenue Minister said that about 12 crores of rupees were to be paid as compensation. I asked for a little more information. . . .”

MR. PRESIDENT:—“ The hon. Member can continue his speech to-morrow.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—“ I will finish in two minutes, as to-morrow I am not likely to attend.”

MR. PRESIDENT:—“ I cannot help. There is an adjournment motion and it has got to be taken up at 4 o'clock.”

V.—ADJOURNMENT MOTION *RE* RISE IN FARES OF CITY BUSES.

4 p.m. * ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“ Mr. President, Sir, I rise to move my adjournment motion for censuring the Government for increasing the fares in Government transport buses in the city. Sir, I am really sorry that at least for the pre-